



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/800,209      07/12/00      NEILSON

B      11941

ST *[Signature]*

006123      PM82/1009  
JAMES EARL LOWE, JR.  
15417 W NATIONAL AVE # 300  
NEW BERLIN WI 53151

EXAMINER
----------

MARCH, S ART UNIT	PAPER NUMBER
----------------------	--------------

3632  
DATE MAILED:

10/09/01

3

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Applicati n No.

09/600,209

Applicant(s)

NEILSON, BRAD

Examiner

Steven M Marsh

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-9, 11, and 13 is/are rejected.
- 7) ☒ Claim(s) 1-4 and 6-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is the first office action for U.S. Application 09/600,209 for a Material Support Stand filed by Brad Neilson on July 12, 2000.

#### ***Claim Objections***

Claims 6-13 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 6-13 have not been further treated on the merits.

Claim 1, line 3 reads "to stand on a surface of a said machine". The word "a" should be deleted. Claims 1-4 are objected to because of the following informalities: The word "utilise" in each claim should be replaced with the word "utilize". Claim 13, line 2 reads "over centre locking lever". The sentence should read "over center locking lever". Appropriate correction is required.

#### ***Specification***

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

The disclosure is objected to because of the following informalities: Page 1, line 33 reads "which will utilise". The sentence should read "which will utilize". Page 4, line 1 reads "are connected to over centre locking clamps 58". The word "over" should be

Art Unit: 3632

deleted and the word centre should be replaced with "center". Appropriate correction is required.

***Allowable Subject Matter***

Claim 4 is allowed. The following is an examiner's statement of reasons for allowance: The prior art does not disclose an upstanding tool rack adapted to be mounted to a machine surface by incorporating a hook formation adapted to pass through an aperture of the machine and hook beneath its surface. Claims 10 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-9, 11, and 13 are rejected under 35 U.S.C. 102(b) as being unpatentable over U.S. Patent Des. 377,310 to Crump, Jr. Crump, Jr. discloses an equipment support stand with a base (1, see attached figure) adapted to stand on the surface of a machine. There is an upstanding rack (2) mounted to the base and a securing means (hole in the base) for releasably securing the base (at 3) to a surface. There are at least a pair of arms (4) which extend from a frame (6) and are aligned side

Art Unit: 3632

by side with each other defining a space therebetween wherein items can be located.

The stand is adapted so that it could be coupled back to back with another stand to provide double storage capacity. The stand also includes one or more pegs (5) projecting upwardly at an inclined angle to the horizontal whereby the pegs are adapted to support annular items or items having holes in them.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 4,480,755 to Cartwright

U.S. Patent 2,923,417 to Sonksen

U.S. Patent 4,132,315 to Young

U.S. Patent 5,285,906 to Wisnowski et al.

U.S. Patent 5,125,615 to McGuire

U.S. Patent 1,711,922 to Curtis

U.S. Patent 4,696,122 to Van Der Zyl

U.S. Patent 4,858,302 to Stribiak

The above patents disclose various types of support devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-

Art Unit: 3632

0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.

*SMM*

Steven M. Marsh

October 1, 2001

*Kimberly T. Wood*  
**KIMBERLY T. WOOD**  
**PATENT EXAMINER**  
*Art 3632*